REMARKS

The following is intended as a full and complete response to the Final Office Action dated September 4, 2008. In the Final Office Action, claims 1-6, 8-10, 21, 22, and 24-30 were examined. Claims 1-3, 10, and 29-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boucher (6,334,153) in view of Elzur (6,629,125). Claims 4-6, 8-9, 21-22, and 24-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boucher and Elzur in further view of Adams (6,775,693). These rejections are respectfully traversed.

35 U.S.C. § 103(a) Rejections

Claims 1 and 10 each recite the limitations that frame data is uploaded to a user buffer in the system memory allocated to the application program, if the user buffer is available, and to a legacy buffer in a portion of the system memory that is not allocated to the application program if the user buffer is not available. User buffers and legacy buffers are different types of buffers since they are stored in different portions of the system memory.

Boucher does not disclose or suggest these limitations. In particular, Boucher does not disclose redirecting the data to a legacy buffer when the user buffer is unavailable (or full). Instead, the system described in Boucher queues packets not eligible for fast-path processing until a user buffer is available. Therefore, the Examiner relies on Elzur for teaching redirecting the data to a legacy buffer when the user buffer is not available. However, a review of Elzur shows that this reference also does not teach or suggest these limitations.

Elzur discloses a system for uploading frame data to user buffers that are allocated to application programs. The Examiner equates the user buffer with memory buffer 304 and the legacy buffer with element 308. Figure 7 illustrates "a memory buffer 304 that is associated with the application" (see column 5, lines 2-5). As described in column 9, lines 44-45 of the reference, region 308 is in a buffer 304. Clearly, region 308 is within memory buffer 304, memory associated with the application. Therefore, region 308 is not equivalent to the legacy buffer of claims 1 and 10 since the claimed legacy buffer is in a portion of the system memory that is not allocated to the application program. This distinction is clearly articulated in the claims. Furthermore, a thorough

review reveals that Elzur is completely silent regarding transferring data when a buffer 304 is not available.

As the foregoing illustrates, neither Boucher nor Elzur teach or suggest each and every limitation of claims 1 and 10. Therefore, no combination of the cited references can render claims 1 and 10 obvious. For these reasons, Applicant submits that claims 1 and 10 are in condition for allowance and respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of these claims. Since claims 2-6, 8-9, 21, 22, 28, and 29 depend from allowable claim 1 and claims 24-27 and 30 depend from allowable claim 10, these claims also are in condition for allowance.

The Adams reference teaches transferring data between application buffers over a network. Adams is silent regarding two types of buffers in system memory that are configured to receive data. Adams also fails to teach or suggest the limitations of uploading frame data to a user buffer in the system memory allocated to the application program, if the user buffer is available, and to a legacy buffer in a portion of the system memory that is not allocated to the application program if the user buffer is not available. Thus, Adams fails to cure the deficiencies of Boucher and Elzur relative to claims 1 and 10. For this reason, the combination of Boucher, Elzur, and Adams cannot render any of claims 1-6, 8-10, 21, 22, 24-27, 28, 29 and 30 obvious either.

CONCLUSION

Based on the above remarks, Applicants believe that they have overcome all of the rejections set forth in the Final Office Action mailed on September 4, 2008 and that the pending claims are in condition for allowance. If the Examiner has any questions, please contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,

Stephanie Winner
Registration No. 52,371
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Agent for Applicants